

Petition to Vacate Road

**To
The Umatilla County Commissioners
April 16, 2007**

I. Declaration of Intent to Vacate:

It is the intent of the property owners whose land abuts Hilltop Drive in the Hat Rock Tracts to vacate approximately 524 feet of Hill Top Drive road and return the road to the property owners. We understand, according to ORS 368.351, that if 100% of the land owners abutting the land/road proposed to be vacated, the county will seriously consider the petition to vacate. All 100% of the abutting land owners agree to vacate. Therefore, we, the petitioners, petition the Board of County Commissioners of Umatilla County, Oregon to vacate a portion of Hilltop Drive.

II. Description of Property Vacated:

The property requested to be vacated is a section of unused road in the Hat Rock Tracts. The road is Hilltop Drive. Specifically, the petition and request to vacate the unused road begins at the southern most part of Hilltop Drive where Hilltop Drive connects with Beach Shore Drive and runs due north approximately 524 feet the entire width of the road (approximately 50 feet wide) to 43 feet south from the northern most property line of lot #1005 of the Hat Rock Tracts (NW ¼ NE ¼ SEC 15 T5N R29E WM). Please see the attached map for the exact location and illustration of the request to vacate. Also, please contact Mr. Fred Cullers, Lot #1005, for exact location.

III. Statement of Reasons for Request to Vacate:

A. History:

The Hat Rock Tracts were established by Charlie Kik in 1946. Over time, lots have been sold and resold, lots have been divided, and lot boundary lines have been redrawn. This has caused the development to look different today than when it was originally platted. Thus, some of the originally platted roads are not used or in use. For example, there have been two previous roads vacated in the Hat Rock Tracts approved by the County Commissioners. ("A" Street on January 7, 1986 / Uni Rec file 1-30-86 / J.V. 40419-420 / 5N2915AB; and, "D" Street on December 17, 1990 / R 200 – 1119/159453)

B. How Property is Used:

The road requested to be vacated is in non-use and has been since it was originally platted. In fact, it cannot be used as a through road due to a large basalt cliff that exists in the middle of the road which renders the road impossible to traverse for approximately 200 feet. Part of the road on the north end has been used as a dumping area by some owners and others, used as a burning area, and sometimes used to park unused vehicles. Occasionally, people not familiar with the area try to traverse the road and get stuck in the soft blow sand in the north region of Hilltop Drive.

C. Condition of the Property:

The road is composed of soft blow sand and some gravel we have spread to abate the blowing sand. It grows brush and weeds which we try to clear each year. The road has also been an attractive nuisance for dumping. Essentially, the road is in "non-use" as a road and "inappropriate use" as a road.

D. Reasons to Vacate the Road:

The particular circumstances that justify granting a vacation of the described road are:

1. The road is not used as a road and has been in non-use essentially since it was platted in 1946.
2. The road dead ends from the south going north at a basalt rock cliff, and it dead ends from the north going south at the same basalt rock cliff. It will never be a through street without blasting the basalt cliff away.
3. The road, though not used as a road, has been used for dumping debris or parking vehicles or trailers in the road way.
4. It is not an improved road and never has been. It is not paved or graveled or compacted. In fact, vehicles will get stuck in the soft sand.
5. Due to non-use, weeds and brush have grown up where the road should be which is esthetically unsightly and also causes a fire load right next to buildings.
6. All (100%) of the neighbors whose land directly abuts this property want the road vacated. All agree with this petition request to vacate.

E. Steps Taken:

1. The homeowners informally discussed the desire to vacate (Summer 2006).

2. We met with an attorney, Mr. David Hadley, who advised us on vacate rules, procedures, and ORS 368.326 – 368.366. (October 19, 2006 @ 3:00 PM)
3. We met with the fire marshall, Mr. Mike Roxbury, to share our plans and to find out if he had any concerns that would prevent a petition to vacate. He had no reasons to deny a request to vacate from his point of view as fire marshall. (January 23, 2007 @ 10:00 AM)
4. We met with county road master, Hal Phillips, and survey supervisor, Gary Roberts, to obtain their advice and to ascertain any concerns they might have. At that conversation, though they could not offer an official and final decision, they saw no reason to prevent a road vacate. (January 30, 2007 @ 4:00 PM)
5. It appears as though this road is of little or no value to the county and is of no liability to the county. And, no portion of the road proposed to be vacated is situated within the limits of any city.
6. We then met formally as a group of neighbors to discuss a petition to vacate and all agreed. (March 5, 2007 @ 7:30 PM & April 2, 2007 @ 7:30 PM)

IV. People Filing the Petition:

All of these people have land directly abutting the requested vacate road:

1. George and Ruth Fox (Lot #1000)
33945 Beach Shore Drive
Hermiston, OR 97838
2. Bob and Carol Middleton (Lot #1506)
29270 Bloom Road
Hermiston, OR 97838
3. Robert and Jo Nelson (Lot #1501)
33936 Hill Top Drive
Hermiston, OR 97838
4. Jerry and Norah Pratton (Lot #1004)
33886 River View Drive
Hermiston, OR 97838
5. Fred and Bev Cullers (Lot # 1005)
33890 River View Drive
Hermiston, OR 97838
6. Jeff and Lori Snell (Lot #1500)
82578 C Street
Hermiston, OR 97838

V. Notarized Signatures of All People (Both Spouses) Owning Property:

(See attached notarized signatures)

VI. Filing Fee

The petitioners request that the Board of County Commissioners consider this road vacate petition according to ORS 368.351, or if necessary, ORS 368.431.

Dated this 16th day of April, 2007.

Enclosed are three (3) separate checks for a total of five hundred thirty-two dollars (\$532.00).

\$500 – filing fee
\$ 20 – county records
\$ 12 – county surveyor

Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

	<u>Printed Name</u>	<u>Signature</u>
(1)	<u>George Fox</u>	<u>[Signature]</u>
(2)	<u>Ruth Fox</u>	<u>[Signature]</u>

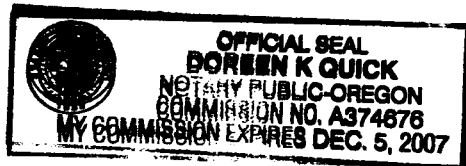
Certification

On this 3rd day of April, 2007, before me, the undersigned, George Fox & Ruth Fox personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)ss

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires 12.05.07



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) Robert L. Middleton	<u>Robert L. Middleton</u>
(2) Carol R. Middleton	<u>Carol R. Middleton</u>

Certification

On this 10th day of April, 2007, before me, the undersigned, Robert L. Middleton + Carol R. Middleton personally appeared, known to me to be the identical individual described in and who executed R. Middleton the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)ss

Gloria Rossi
NOTARY PUBLIC FOR OREGON

My Commission Expires 3/22/2011



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) ROBERT T. Nelson	<i>Robert T. Nelson</i>
(2) Jo Nelson	<i>Jo Nelson</i>

Certification

On this 12 day of April, 2007, before me, the undersigned Robert T. Nelson & Jo Nelson personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)ss

Dee Dee C Lum
NOTARY PUBLIC FOR OREGON

My Commission Expires January 9, 2010



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) <u>JERRY PRATTON</u>	<u><i>Jerry Pratton</i></u>
(2) <u>NORAH PRATTON</u>	<u><i>Norah Pratton</i></u>

Certification

On this 5 day of April, 2007, before me, the undersigned Jerry Pratton and Norah Pratton personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF (Umatilla))ss

Dee Dee C Lum
NOTARY PUBLIC FOR OREGON
My Commission Expires January 9, 2010



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) FRED D. Cullers	<u>Fred D. Cullers</u>
(2) Beverly M. Cullers	<u>Beverly M. Cullers</u>

Certification

On this 5th day of April, 2007, before me, the undersigned, Fred D + Beverly M. Cullers personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)ss

Tia Hays
NOTARY PUBLIC FOR OREGON
My Commission Expires 6-23-10



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) <u>Jeffrey G. Snell</u>	<u>Jeffrey G. Snell</u>
(2) <u>Lori Snell</u>	<u>Lori Snell</u>

Certification
On this 3 day of April, 2007, before me, the undersigned, Jeffrey Snell
Lori Snell,
personally appeared, known to me to be the identical individual described in and who executed
the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)ss

Barbara J. Bloodsworth
NOTARY PUBLIC FOR OREGON

My Commission Expires 09/14/2010

